

COMMISSIONERS APPROVAL

CHILCOTT *gc*

LUND *BT*

THOMPSON *at*

TAYLOR (Clerk & Recorder)

Date.....February 25, 2005

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

As per MCA 7-4-2208, Commissioner Chilcott advised the Board of County Commissioners that he would be absent from the state for more than 15 days. Commissioner Lund and Commissioner Thompson indicated their acceptance of his notification and approval of his absence.

The Board met with Road Supervisor David Ohnstad. Also present was Realtor Cheryl Smith who is the listing agent for the county property on Rye Creek Road (also known as the Stone House Property). David explained that while Cheryl was listing this property, he learned of a property owner that was willing to trade some aggregate and right of way on Rye Creek Road for this county property. David stated the aggregate is near Old Darby Road where the county does their mining. They are looking at exchanging the right of way and moving the road back from the creek bed in order to protect the creek that runs along Rye Creek Road. He stated if they decided to do those improvements the extra right of way would be needed. Currently the right of way appears to be 60 feet. The owner along the road wants to trade the aggregate (rocks from his property) and some of his property for future right of way for the acreage on Rye Creek (Stonehouse) that Cheryl has listed.

Commissioner Thompson asked how many residences were in this area. Dave stated this road is classified as a major rural collector and scenic route, and it is unknown how many residences there are. However, there are a number of private properties that access from Rye Creek Road. Commissioner Thompson stated he was not necessarily in favor of spending money on this road when other roads in the county with more residences, therefore serving more people, need work done on their road. Commissioner Chilcott stated there might be other landowners in other areas that might want to give some property for the re-construction of their roads too.

Now present was Road Foreman Bill Meisner and Road Employees Mike Nichols and Jackie Johnson.

Bill stated from an environmental perspective, the movement of the road is a good fix for the creek. Commissioner Thompson stated there are probably some environmental and forest monies available for this right of way acquisition. He also relayed this issue has already been discussed with Forest Service Supervisor Dave Bull. Commissioner Thompson stated he sees the ten acres of county property as a separate issue from the Rye Creek Road improvement. Dave stated he too has visited with some of the Forest Service personnel about the long term improvement on this section of Rye Creek Road. He stated he does not see the county property as a separate issue. But rather as an opportunity to dispose of the county's land locked acreage for right of way and aggregate products. Dave felt this would be a considerable win and gain for the county.

Bill also agreed stating the rock aggregate has a great value to the county if properly developed. Dave felt the rock product would be far more valuable than the right of way the property owner would give to the county.

Dave stated the reason this extra right of way is needed would be to establish drainage towards the vertical back slope (inside of the road) when the road is straightened out.

Commissioner Lund stated she agrees with Dave because easements are difficult to obtain and the aggregate is needed for the county. Commissioner Chilcott commented that the removal of the rocky abutments would be an advantage to the land owner. He asked if Dave had looked at trading the aggregate for the right of way easement and include the 10 acres as part of the trade. Dave stated he had a number of discussions with the property owner, and if the county removes the aggregate, the owner does not necessarily feel it would have a positive impact on his property. The property owner actually indicated he would prefer to leave the property as it is.

Bill noted there is no current road count for this road. The last one was done in 1998. Dave stated if this 10 acres parcel of property is an issue of needed cash for the county, the road department has reserves. He also stated he would like to continue this discussion with the property owner.

Cheryl stated the buy sell agreement is still on the table and the potential buyers would like to stay in first position. She indicated the Commissioners could make a counter offer if they would like.

Commissioner Chilcott asked what the anticipated output of this rock aggregate might be. Dave stated until they have it surveyed, they do not have a good idea. The consulting engineers could make that estimate. Bill stated if they go all the way to Stone House Road, they could obtain 150,000 yards. (Stone House is the drainage off of Rye Creek). Commissioner Chilcott asked if this removal of rock included approximately six rock outcroppings. Bill stated that was correct. He felt it would take at least 10 years to mine the rock and straighten the road.

Cheryl asked if that area was part of the burnt area. It was noted that most of the area is burnt and the road construction would go all the way to the Forest Service Road.

Commissioner Thompson stated he understands Dave's arguments, but he would like more information. He asked Cheryl how time sensitive this buy sell agreement was. Cheryl stated the potential buyers own property in the area so they are not going anywhere.

Dave stated in a preliminary review of the aggregate, he believes it is below the threshold of the state's requirement.

Commissioner Lund stated if this area is ever put into a conservation easement, the right of way easement could never be obtained. Commissioner Chilcott stated the land owner should be enthusiastic about solving the environmental issues by allowing the movement of the road away from the creek. And in light of that, the property owner may benefit from this project without putting the ten acres into the mix.

Dave stated he hopes to visit with the property owner next week. It was agreed to take this discussion to March 17th at 1:30 p.m.

James stated after reviewing the code for tax deed, he finds that the value (or amount the property is sold for) must be at least 70% of the appraised value. And certainly the aggregate would far exceed that 70% figure.

Commissioner Chilcott stated no matter how this 10 acre piece is handled, Cheryl deserves a commission. Commissioner Lund stated Dave has some money in his budget for her commission if the land trade takes place.

In other road business, Dave also discussed the functional classification for Meridian Road and Middle Burnt Fork Road. The road update also included the dust abatement program, the equipment rental contract and hazard mitigation.

In other business the Board met with City of Hamilton Public Works Director Lorin Lowry relative to the need to move forward on a City/County Special Improvement District on Highway 93 North in Hamilton. James was still present for this meeting. Lorin stated they will hold a series of public meetings, which the Commissioners are welcome to attend. It was agreed that James will work with City of Hamilton Attorney Ken Bell and Lorin relative to the Resolution of Intent to move forward on this district. Commissioner Chilcott noted there will be no financial exposure to the county on this project.

The Board also met with Internal Auditor Klarryse Murphy for the closing on the loan documents with the Board of Investments. This loan is for the purchase of the aggregate crushing plant and excavator in the amount of \$535,000.00. This loan will be secured by the equipment. Also present was Civil Counsel James McCubbin, Clerk and Recorder Nedra Taylor and Treasurer JoAnne Johnson. Commissioner Lund made a motion to adopt Resolution No. 1585 that authorizes the county to participate in the Board of Investment Loan. Commissioner Thompson seconded the motion and all voted "aye".

Klarryse also visited with the Board relative to the three Requests for Proposals for the banking services. Three proposals were receipted from Sterling, First Security Bank and First Interstate Bank. Due to the absence of Chairman Greg Chilcott until March 17th, it was agreed to have the three banks make a presentation on March 18th.

In other business, the Board addressed the space issue at the courthouse. Present at this meeting was Justice of Peace Robin Clute, Justice of Peace Jim Bailey, Extension Agents Kathy Hammer and Rob Johnson, Maintenance Employee Bob Spralinger, DES Coordinator Ron Nicholas, Fair Manager Gary Wiley, Public Health Nurse Judy Griffin, WIC Coordinator Jackie Cenis, Treasurer JoAnne Johnson, Information Services Director Dwain Erhart, Civil Counsel James McCubbin, Sheriff Chris Hoffman, Under Sheriff Kevin McConnell and Detention Lt. Cathy Powell.

James stated County Attorney George Corn was unable to make this meeting. He advised the Commissioners if the Department of Revenue (DOR) lease is to be terminated at the Administrative Building, the written notice needs to be given by the end of April, otherwise the lease renews for another two years. Both James and George feel this lease should be terminated. Even if they do not anticipate utilizing the space for another year, the Commissioners still need to give notice.

Commissioner Thompson stated most employees are anticipating the Commissioners will make a decision about space today. However, if they evict the Department of Revenue, they need to discuss the loss of revenue of the rent money. He indicated they are also looking into the use of the Bibler Building at 3rd and Bedford Streets. James stated even if the Commissioners move the DOR to another county office; they still need to be noticed because the lease is for space at the Administrative Center. He also noted that some offices in this building are looking into the space that DOR is currently utilizing. Commissioner Thompson felt it was important to use county space for county offices and made a motion to send the letter of eviction notice to the DOR. Commissioner Lund stated she wants to wait until this meeting is over before she makes a second to that motion. Commissioner Chilcott seconded the motion. Discussion of the motion then took place. Commissioner Lund thought it was important to have the discussion with other department heads first. Commissioner Chilcott stated they can give notice but they do not have to evict. Commissioner Thompson stated he will suspend his motion until the end of this meeting.

The Commissioners asked for input on office space. Robin stated she sent over a floor plan that they still would like to utilize. Sheriff Hoffman stated they have already discussed the different ideas for the use of the building and most of those issues are driven by the need of space and security issues.

Dwain stated those plans have not been shared with some of the other offices and he suggested they be shared with the department heads. Sheriff Hoffman stated his office needs more space and there are some security issues in Justice Court and his office. Sheriff Hoffman also stated he does not want other departments to be evicted from their

office. However part of the space he utilizes needs to be occupied by Justice Court as they too are in need of space. He feels they could move a portion of their offices into the public service wing (north end of courthouse) and security would not be a problem. He stated he also understands that money is needed to make this change happen. One thought he has is to move the Public Health Nurses/WIC Office into the DOR office at the Administrative Building. He also stated he did not think moving 9-1-1 would be too difficult because he has already visited with the vendor that would make this move. He stated the move of 9-1-1 is under his authority and he does have some money in his budget for that move.

Commissioner Chilcott stated it is important to have everyone's input so they can make the best decision. Justice of Peace Robin Clute stated they have outgrown their area and they need two separate courts. She felt if they were to expand out into the current Sheriff's area, the construction would be minimal because they only need to install some walls. Justice of Peace Jim Bailey indicated it is important to stay in their area because of the detention facility location.

Commissioner Thompson stated he sees the major reason for this discussion is to find more space for Justice Court. He also stated he sees the need to turn the courthouse into a justice center which would necessitate the move of the Nurse, Extension, Information Services and Maintenance Departments. Commissioner Thompson noted they are paying the rent fees on the Bibler Building for Youth Court.

Sheriff Hoffman stated his office would need to continue utilizing part of the basement for their evidence room and reserves. He suggested I.S. and Maintenance move to the DES area that is in the basement. He also felt the elections room should stay as it is for the larger meetings.

Commissioner Chilcott stated if they move the DOR out, the county loses \$12,000.00 per year in rent monies. Plus they are paying the \$24,000.00 per year for Youth Court rent at the Bibler Building, which would put the county at a loss of \$36,000.00. Commissioner Thompson also relayed the National budget shows a reduction to the PILT money which might be as much as \$160,000.00 per year.

Dwain asked the Sheriff if they could turn their records into electronic forms. Sheriff Hoffman stated that is a good idea because the records are taking over a great deal of space. He stated they access the old records all day long. Dwain stated he would estimate the cost of scanning the records at \$150,000.00. But it would certainly free up more space not to mention the security of the records in case of a fire or water problem.

It was noted that the Juvenile Detention Office has spent approximately \$50,000.00 for their remodel. Sheriff Hoffman stated this remodel blocked the hall at the Sheriff's Office and it has created quite a bit of traffic through their staff room.

Bob stated he visited with the State Fire Marshall and the Fire Marshall stated the whole area would have to be sprinkled if any more changes were made. Currently there are only sprinklers in the Juvenile Detention area.

Ron suggested they obtain a blue print for those existing offices, find out what they need and what it will cost. And if money is an issue, it is not a good idea to start any construction because it would not get finished.

Judy stated she does not want to be 'crammed' into that end hallway at the courthouse when the Sheriff Deputies move in. They have small children crying, pregnant women and immunization clinics along with the issue of security. She stated she and Jackie would prefer to move out and move in to the current DOR space.

Commissioner Lund asked Rob if he could approach the MSU Extension Office for money to supply his office with space. Rob stated they would not give him any money, rather they would close his office down. Discussion also included the use of the Leonardi House for the Extension Office.

Various locations were then discussed and no decision was made at this time.

Commissioner Thompson stated he would like to continue his motion to execute the letter to the DOR giving them notice of ending the lease. Further discussion took place. Commissioner Chilcott stated by giving them their notice they might up their price for the lease space. Commissioner Lund stated she felt they would leave if given notice so the Commissioners should be prepared for that. All voted "aye".

Sheriff Hoffman stated he inherited the decision from the previous Sheriff for the Sheriff's Office to take over the 9-1-1 department. The working conditions for 9-1-1 is intolerable and if he continues to maintain the 9-1-1 department, the Commissioners need to support him to bring those working conditions up so they can retain good employees. Commissioner Chilcott stated he supports that as long as the county can afford it. Sheriff Hoffman stated they might have to spend some money to save some money. They are losing qualified dispatchers which is extremely costly to the county.

Robin asked when they would have a final answer on their move and space needs.

In other business, Sheriff Hoffman gave a brief update. Relative to the food service by CBM Services, they have not had any grievances from the inmates. The food is excellent. Sheriff Hoffman indicated CBM Services indicated they had bid this service too low (by \$40,000.00). This contract ends in March of 2005. Lt. Cathy Powell has been working with CBM and they believe CBM will only increase their contract by \$20,000.00. Sheriff Hoffman stated he visited with Civil Counsel relative to going back out to for a Request for Proposal if the CBM Services only increased by \$20,000.00. James stated the county would not have to go back out to bid or proposal. In reviewing the previous bids, CBM Services would still be lower than the other bidders if their current price were to be raised by \$20,000.00. Sheriff Hoffman suggested the

Commissioners move to enter into another one-year contract. Lt. Cathy Powell indicated that since the new kitchen manager took over, the food services run very smoothly and everyone is extremely pleased with the service. She also noted the new contract would not exceed the CPI index. It was agreed this should be placed on the agenda for motion and formal approval on March 2nd at 9:00 a.m.

Sheriff Hoffman also addressed the overtime in the 9-1-1 Center. He stated they are 'in the hole' for overtime monies. He asked the Commissioners to pull the budget up and review the overtime expenditure so it can be addressed now.